FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

CIVIL APPLICATION NO. 5037 OF 2006

IN

FIRST APPEAL (ST) NO.14090 OF 2006

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Ms.Archana Kololgi i/b.Tejpal S. Ingale for applicants.
Ms.S.N.Gotekar for respondents.

CORAL: D.B.BOSSES,J.
DATED: 24.11.2006

P.C.:

1. Heard the learned counsel for the parties.

2. By this civil application, the applicants are seeking permission to withdraw the amount of compensation deposited by the respondent-Insurance Company. Ms.Gotekar, learned counsel for the Insurance Company, fairly stated that they are disputing the quantum of compensation awarded by the court below and not their liability to pay. Keeping that in view and considering the overall facts and circumstances of the case and the reasons stated in the application, this civil application is disposed of by following order :

(a) Applicant nos. 1 and 2 are allowed to withdraw Rs. 1,50,000/- and 1,00,000/- respectively unconditional. Rest of the amount, as directed by the court below in paragraph 5(4) of the operative part of the order, shall remain deposited in the nationalized Bank. If the appeal is not heard within a period of two years from today, liberty to the applicants to apply for further withdrawal of the amount. This civil application is disposed of.

(D.B.Bhosle, J.)